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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**

8 RYAN OUSDALE,

9 Plaintiff,

10 vs.

11 TARGET CORPORATION, a foreign corporation  
DOES I through X; and ROE ENTITIES I through  
12 X,

13 Defendants.

CASE NO.: 2:17-cv-02749-APG-NJK

**STIPULATION FOR EXTENSION OF  
DISCOVERY DEADLINES (First Request)**

14 The above named parties, by and through their respective counsel of record, hereby submit  
15 the following STIPULATION FOR EXTENSION OF DISCOVERY DEADLINES (First Request).

16 **A. DISCOVERY COMPLETED TO DATE**

17 This matter involves an alleged fall at one of defendant's stores. On November 27, 2017, the  
18 parties held an initial Rule 26(f) Conference. Plaintiff served his initial disclosure of witnesses and  
19 documents on December 7, 2017. Defendant served its initial disclosure of witnesses and documents  
20 on December 11, 2017. On December 7, 2017, the Court entered a Stipulated Discovery  
21 Plan/Scheduling Order.

22 Plaintiff has served five supplements to his initial disclosure of witnesses and documents.  
23 Defendant propounded a First Set of Interrogatories and First Set of Requests for Production of  
24 Documents upon plaintiff on January 18, 2018. Plaintiff served his responses to the Interrogatories  
25 and Requests for Production of Documents on March 14, 2018 pursuant to an extension granted by  
26 defendant. On March 6, 2018, plaintiff propounded a First Set of Interrogatories, a First and Second  
27 Set of Requests for Production of Documents, and a First Set for Request for Admissions upon  
28 defendant. Plaintiff has granted defendant an extension to respond to those written discovery  
requests.

1 On March 6, 2018, plaintiff noticed the depositions of five of defendant's current employees  
2 and two of defendant's former employees for April 17 and 18, 2018. Plaintiff also noticed the  
3 deposition of defendant's 30(b)(6) representative for April 19, 2018. The parties conducted four of  
4 those depositions on April 17 and 18. The depositions of one of defendant's current employees and  
5 defendant's 30(b)(6) representative have tentatively been rescheduled for May 1, 2018. The parties  
6 are working to reschedule the other two depositions of defendant's current employees.

7 Defendant has requested plaintiff's medical records and films directly from her medical  
8 providers through records authorizations provided by plaintiff. Defendant has also requested  
9 plaintiff's employment and tax records through records authorizations provided by plaintiff.

10 On March 20, 2018, plaintiff served his Initial Expert Disclosure, including a life care plan  
11 regarding his need for future care. On March 30, 2018, the parties conducted an inspection of the  
12 location of the reported fall.

#### 13 **B. DISCOVERY THAT REMAINS TO BE COMPLETED**

14 Defendant is still obtaining plaintiff's medical and employment records through  
15 authorizations provided by plaintiff. Defendant needs to conduct the deposition of plaintiff and his  
16 treating healthcare providers once defendant has received plaintiff's medical records directly from  
17 the providers. Based upon plaintiff's reported need for future medical treatment, the parties have  
18 agreed that plaintiff will appear for a Rule 35 Examination. Defendant needs to respond to  
19 plaintiff's written discovery requests.

20 Plaintiff needs to conduct the depositions of three of defendant's current employees and  
21 defendant's 30(b)(6) representative. Plaintiff anticipates designating additional expert witnesses.  
22 Defendant anticipates designating expert witnesses. The parties anticipate conducting the  
depositions of any designated expert witnesses.

#### 23 **C. REASONS WHY DISCOVERY HAS NOT BEEN COMPLETED**

24 Defendant is still in the process of obtaining plaintiff's medical records and films. Defendant  
25 needs to obtain those records before conducting the depositions of plaintiff and his treating  
26 healthcare providers. Defendant also needs to obtain those records and films to provide to  
27 defendant's medical expert. Plaintiff recently produced a life-care plan indicating that he is still  
28 experiencing symptoms and anticipates receiving future treatment. Based upon that life-care plan,

1 the parties have reached an agreement for Plaintiff to attend a Rule 35 Examination. Defendant's  
2 medical expert cannot conduct that examination, complete a records review, and prepare an expert  
3 report prior to the current expert witness disclosure deadline.

4 The parties did not request this extension more than 21 days before the current discovery  
5 deadline as the parties were negotiating the terms and conditions for the Rule 35 Examination to try  
6 to avoid a motion to compel a Rule 35 Examination. The parties eventually reached an agreement  
7 regarding that examination but were not able to reach that agreement to allow for a timely  
8 examination. The parties were not aware that a timely examination could not be conducted until less  
9 than 21 days before the current deadline to disclose expert witnesses.

10 Accordingly, the parties request a forty-five day extension of the current discovery deadlines.

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**D. PROPOSED DISCOVERY SCHEDULE**

Close of Discovery:	August 13, 2018
Dispositive Motions:	September 12, 2018
Joint Pre-Trial Order:	October 12, 2018
Last day to amend pleadings:	Closed
Initial Expert Disclosures:	June 14, 2018
Rebuttal Expert Disclosures:	July 13, 2018
Interim Status Report	June 14, 2018

DATED this 26<sup>th</sup> day of April, 2018

**WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP**

DATED this 26<sup>th</sup> day of April, 2018

**TANNER LAW FIRM**

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IT IS SO ORDERED.

Dated April 27, 2018

  
UNITED STATES MAGISTRATE JUDGE